

SUMMARY OF FINAL DECISIONS ISSUED BY THE TRADEMARK TRIAL AND APPEAL BOARD

March 6-10, 2000

Date Issued	Type of Case(1)	Proceeding or Appn. No.	Party or Parties	TTAB Panel(2)	Issue	TTAB Decision	Opposer's or Petitioner's Mark and Goods or Services	Applicant's or Respondent's Mark and Goods or Services	Mark and Goods Cited by Examining Attorney	Examining Attorney	Citable as Precedent of TTAB
3-6	EX	75/321,936	IMAKE Software and Services, Inc.	Quinn* Walters Holtzman	2(e)(1)	Refusal Affirmed		"DIGITAL BROADCAST STUDIO" [integrated computer software and hardware for single-casting, multi-casting or broadcasting of digital audio program materials for use in delivery of guaranteed digital media over a global computer information network]		R. Herman	No
3-7	EX	75/285,708	CCC Acquisition Corp.	Seeherman* Hanak Bucher	2(e)(3); 2(a) [geo-graphically deceptive]	Refusal Affirmed (on both grounds)		"LONDON BEAT" [clothing, namely, swimsuits, skirts, jackets, vests, dresses, t-shirts, tank tops, shorts, pants, shirts, swimsuit cover-ups, body suits, headwear and footwear]		Lamb	No
3-7	EX	75/273,340	Woodgrain Millwork, Inc.	Cissel Walters Rogers*	2(d)	Refusal Affirmed		"LEGEND" [non-metal PVC window frames; non-metal windows; plastic windows; wood windows]	"LEGEND" [aluminum doors and windows]	Berman	No
3-7	OPP	104,657	Blue Cross and Blue Shield Ass'n. v. American Medical Ass'n.	Walters Wendel* McLeod	genericness; whether applicant's mark has acquired distinctive-ness under Section 2(d)	Opposition Dismissed		"CPT" [manuals, books and pamphlets, all updated regularly, consisting of descriptions of medical procedures with assigned numeric codes and other explanatory materials used for describing and reporting of physician services]			No

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(2) *=Opinion Writer; (D)=Dissenting Panel Member

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3-7	EX	75/279,948	Globosat Programa-dora Ltda.	Cissel Hanak Wendel*	2(e)(1)	Refusal Affirmed		"SPORTV" [cable transmission of television programs and satellite transmission of television programs]		First	No
3-8	OPP (SJ)	108,924	Sentry Chemical Co. v. Central Mfg. Co.	Seeherman Holtzman McLeod [Opinion "By the Board"]	2(d)	Opposition Sustained [opposer's motion for summary judgment granted]	"SENTRY" and "SENTRY NO. 34" [a full line of all purpose detergent, cleaning and degreasing preparations, including floor and furniture polish]	"SENTRA" [all purpose cleaning preparations, floor polish, furniture polish, etc.]			No
3-8	EX	75/154,274	Cascade Clear Water Co.	Seeherman* Bucher Rogers	2(d)	Refusal Affirmed		"CASCADE CLEAR" [flavored and unflavored bottled drinking water]	"CASCADE MIST" [bottled drinking water and bottled sparkling artesian water]	Strzyz	No
3-8	EX	75/216,681	HWE, Inc.	Quinn* Hairston Rogers	2(d)	Refusal Affirmed		"FOOT SOOTHER" [foot massagers]	"BODY SOOTHER" [electric hand held massager]	Goodsaid	No
3-8	EX	75/291,852	Gantt Group, Inc.	Hohein Chapman* Holtzman	2(e)(4)	Refusal Reversed		"THE GANTT GROUP" [business consulting services in the field of project management]		Pappas	No

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3-8	EX	75/271,746	Lucky Brand Dungarees, Inc.	Seeherman* Bucher Holtzman (D), in part	2(d)	Refusal Affirmed (but only as to cited Registration No. 1,794,551)		"LUCKY BRAND" (and design incorporating a four-leaf clover) [cologne, perfume, body lotion, body soap, moisturizer, personal deodorant, hair shampoo, etc.]	"LUCKY" (in stylized lettering-- <i>Reg. No. 1,794,551</i>) [skin soaps, laundry detergent, hair shampoo, hair rinse, perfume, cologne, non-medicated skin moisturizing and cleansing lotions, non-medicated hair tonics, dentrifice]; "LUCKY" (in stylized lettering— <i>Reg. No. 2,014,684</i>) [cotton puffs and sponges for cosmetic purposes, nail polish remover, sun blocks and screens, skin lotions, personal deodorants, hair shampoo, etc., all sold in retail grocery stores and supermarkets operated by or owned by registrant Lucky Stores, Inc.]	Stoides	No
3-10	EX	75/335,174	Peavey Electronics Corp.	Seeherman Hairston* McLeod	2(e)(1)	Refusal Reversed		"STAGE PACK" [musical instrument amplifiers and musical instrument cables; electric guitars, guitar straps, guitar picks, musical instrument carrying bags and guitar strings]		G. Clark	No

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3-10	EX	75/975,371	TableTop Enterprises	Seeherman* Quinn Chapman	whether the mark applicant seeks to register is inherently distinctive or has acquired distinctive-ness under Section 2(f)	Refusal Affirmed		configuration of a game piece, which piece is substantially flat and triangular in shape with rounded corners [board game components, namely, triangular-shaped game pieces]		de Jonge	No
3-10	EX	75/292,960	University of Florida Tissue Bank, Inc.	Seeherman* Hanak Hairston	2(e)(1)	Refusal Affirmed		"REGENERATION TECHNOLOGIES, INC." [medical products, namely, grafts of human bone and other tissues; surgical implants made from human bone and other tissue]		Fromm	No
3-10	EX	75/283,361	John Knoell & Son, Inc.	Simms* Bucher McLeod	2(e)(1)	Refusal Reversed		"BEAUTIFUL WALLS" [retail store services featuring wall decorations]		Engel	No
3-10	EX	75/204,640	HD Golf Development, Inc.	Cissel Hanak Hohein*	2(d)	Refusal Affirmed		"HD GOLF" (and design) [golf clubs and golf shafts]	"HD-01" [portable golf club head-speedometers]	J. McMorrow	No
3-10	OPP	97,046	Health Letter Associates v. Your Child's Wellness Newsletter Inc.	Hanak Quinn Chapman*	2(d); 2(e)(1)	Opposition Dismissed	"WELLNESS LETTER" [newsletters dealing with topics of health]	"YOUR CHILD'S WELLNESS NEWSLETTER" [newsletter relating to health]			No

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3-10	OPP (SJ)	103,836	Eclipse Surgical Technologies, Inc. v. PLC Medical Systems, Inc.	Seeherman Hanak Wendel [Opinion "By the Board"]	whether applicant must disclaim, under Section 6, the letters "TMR," which form part of its marks	Opposition Sustained [Opposer's motion for summary judgment granted]		"TMR – TRANSMYOCARDIAL REVASCULARIZATION" (in two different design formats) [transmyocardial revascularization system, namely, a laser, control circuits, power supply, computer, monitor, and optional delivery system, namely, a laser handpiece and an articulating laser beam delivery arm connected to the handpiece]			No
3-10	OPP	99,336	Daniel R. Gray v. Brian Weiss and Cleveland R.O.W.K.S., Inc.	Hanak Hohein Wendel [Opinion "By the Board"]	whether the assignment to applicant of this intent-to-use application was in violation of 15 USC §1060	Opposition Sustained [Opposer's motion for summary judgment granted]		"CLEVELAND ROCKS" [t-shirts, sweatshirts, etc.]			No

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